

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

JUAN CANEDO,

Plaintiff,

vs.

CASE NO. 3 04 0678

**TENNESSEE CARPENTERS REGIONAL
COUNCIL,**

Defendant

STATEMENT OF UNDISPUTED FACTS

1. Plaintiff Juan Canedo is a naturalized citizen of the United States, born in Bolivia, South America and is of Hispanic descent. (Amended Complaint ¶ 8;). Plaintiff Juan Canedo speaks English and Spanish.

RESPONSE:

2. Plaintiff was hired by the Tennessee Carpenters Regional Council, a labor organization in June of 2002 as an organizer. (Amended Complaint ¶ 9, Plaintiff's Deposition, relevant portions of which are contained in the Appendix to this Statement, p. 18).

RESPONSE:

3. Plaintiff did not have experience in the carpentry trade (Plaintiff's Deposition pp. 21, 118).

RESPONSE:

4. Plaintiff's job duties involved organizing both Hispanic and non-Hispanic employees. (Plaintiff's Deposition p. 122).

RESPONSE:

5. In June, 2003, the Plaintiff along with all but one other organizer were assigned to Chattanooga to work on an organizing campaign there. (Amended Complaint ¶ 23 ; Plaintiff's Deposition pp. 113-114; Deposition of Charles Danny Maples, relevant portions of which are contained in the Appendix to this Statement, p.40).

RESPONSE:

6. On or about August 19, 2003, Canedo complained to his supervisor that he was experiencing hostility and negative reactions by residents of Chattanooga because he is Hispanic. (Amended Complaint ¶ 30). He also complained about his assignment to Chattanooga away from Nashville where he had been working to organize a group of Hispanic workers of a company called Markham Drywall. Canedo maintained he should be allowed to continue his work in Nashville and be re-assigned back to Nashville. (Amended Complaint ¶ 31; Plaintiff's Deposition p. 142).

RESPONSE:

7. Plaintiff filed a charge of discrimination with the EEOC on October 1, 2003 (Amended Complaint ¶33).

RESPONSE:

8. Beginning in 1999 the TCRC received grants from the United Brotherhood of Carpenters International Union (UBC) for the hiring of organizers. (Exhibit 10 to Deposition of Danny Maples).

RESPONSE:

9. In May of 2003, the Plaintiff was advised by his Supervisor, David Trotter, there was a

possibility that the TCRC would not receive a renewal of the organizing grant which might necessitate layoffs and that it did not matter who was listed on the grant when it came to layoffs. (Plaintiff's Response to Defendant's First Request for Admissions ¶ 1; Plaintiff's Deposition p. 134).

RESPONSE:

10. The TCRC did not apply for nor receive a grant for 2004 (Deposition of Charles Danny Maples p. 45).

RESPONSE:

11. On December 30, 2003, Plaintiff along with four White male organizers were laid off in a reduction in force. * (See Separation Notice Exhibit 19 to Plaintiff's Deposition; Deposition of David Trotter pp. 91-96).

Four White male organizers and one Hispanic organizer were kept. (Deposition of David Trotter pp. 91-96 ; Deposition of Charles Danny Maples pp.46, 47). See the following chart:

RACE	NAME	PRIMARY LOCATION	LAID OFF
White	Robbie Helton, Lead Organizer	Knoxville	No
Hispanic	Gerry Carrero	Memphis	No
White	Gary Ashley	Knoxville	Yes
White	Kim Wolf	Knoxville	No
White	Victor White	Chattanooga	No
White	Tim Cash	Chattanooga	Yes
White	Bill Csapo	Chattanooga	Yes
White	Steve Truell	Nashville	Yes
White	Harold Carter	Chattanooga	No

Hispanic	Juan Canedo	Chattanooga	Yes
White	Greg Coke *	Chattanooga	Yes

* Greg Coke was a temporary organizer. (David Trotter Deposition, pp. 92-96, 156, 157)

RESPONSE:

12. Harold Carpenter is a trained carpenter. (Deposition of David Trotter pp. 96-97; Plaintiff's Deposition p. 97).

RESPONSE:

13. Plaintiff was advised that the layoff was due to the fact the TCRC would not be receiving an organizing grant from the UBC as it had in the previous year.(Plaintiff's Deposition p. 165).

RESPONSE:

14. No organizers have been hired TCRC since the layoffs. (Deposition of Danny Maples p. 47).

15. Like the Plaintiff, Steve Truell, Gary Ashley, and Greg Coke all While males were not listed on the March 2003 grant report, but were laid off. (Trotter Deposition pp. 93, 156-157 and Exhibit 10).

RESPONSE:

Respectfully submitted,

s/ Deborah Godwin
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Tennessee Carpenters Regional Council

CERTIFICATE OF SERVICE

I certify that on August 15, 2005, I electronically filed the foregoing with the clerk of the court by using the CM/ECF system, which will send a notice of electronic filing to the following: Patricia E. Crotwell, Esq. And Richard J. Braun, Esq.

I further certify that there are no non-CM/ECF participants who would require service by mail in this case.

s/ Deborah Godwin
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